



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

January 11, 2007

9:00 AM

Council Chambers, City Hall

735 8th Street South

Naples, Florida 34102

Members Present:

Irela Bagué, Vice-Chair

Miya Burt-Stewart

Alice Carlson

Michael Collins

Nicolás Gutiérrez

Lennart Lindahl

Kevin McCarty, Chair

Harkley Thornton

Malcolm Wade

1. Call to Order - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:10 am.

2. Pledge of Allegiance - Kevin McCarty, Chair, Governing Board

Alice Carlson led the group in the pledge of allegiance.

Ms. Carlson introduced Mayor Bill Barnett, City of Naples.

Mayor Barnett welcomed the Governing Board to Naples.

3. WRAC Award - Michael Collins, Chair, WRAC

Michael Collins presented Rob Barton with a plaque of appreciation for the many years of service with the Water Resource Advisory Commission.

4. Collier County Presentations Introduction by Clarence Tears Jr., Big Cypress Service Center Director

Clarence Tears, Director, Big Cypress Basin, welcomed everyone to Naples. He reported on population growth in Collier County.

Jim Mudd, Collier County Manager, presented information on Collier County's stormwater systems and the need for the stormwater capital projects.

Mr. Mudd thanked Ms. Carlson and staff working with Collier County. Mr. Mudd said the county is very committed in the integration of water resource management to meet future demands. Mr. Mudd spoke on water conservation, reclaimed water usage, brackish water aquifers, reverse osmosis, and aquifer storage and recovery (ASR).

Bill Moss, Marco Island City Manager, welcomed the Governing Board to Collier County. He presented information on the projects funded by the South Florida Water Management District. Mr. Moss reported on reuse water treatment, aquifer storage and recovery, the Marco Island 7 year septic tank replacement program, drainage improvements, and the water conservation program.

Mr. Lindahl provided comment on the septic tank replacement program.

5. Agenda Addendum

Jacki McGorty, District Clerk, read into the record the agenda addendum. A copy was made available to the public. Item #38 was moved from the Consent Agenda to the Discussion Agenda. Item 41 had modifications to the Agenda title.

6. Abstentions by Board Members from items on the Agenda

Ms. Carlson announced her abstention on Item 10, Page 1 of the Regulatory Consent Agenda.

Mr. Wade announced his abstention from Discussion Item 47.

7. Public Comment on Consent Agenda

There was no public comment on the Consent agenda.

8. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

9. Pull Items for Discussion from Governing Board Meeting Agenda

There were no items pulled from Consent Agenda to the Discussion Agenda.

77. Recognition of Greg Louque and John Wilke, Law Enforcement Officers of the Florida Fish and Wildlife Conservation Commission - Carol Wehle, Executive Director

Ms. Wehle presented a proclamation of Appreciation to Greg Louque and John Wilke, Law enforcement officers of the Florida Fish and Wildlife Conservation Commission.

Consent Agenda

Water Resources

10. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Surface Water Management Permit Extensions

Consent Agreements

Page 3 No 1 Payson Tract (WU): **Postponed** to February Board

Page 5 No 5 Forest Glen of Naples (WU): **Postponed** to February Board

Page 8 No 1 Caloosa Isle Yacht Club (ERP): **Postponed** to February Board

Page 8 No 3 Formosa Industrial Park (ERP): **Postponed** to February Board

Page 8 No 4 Ginn Development and Golf Course (WU): **Postponed** to February Board

Page 10 No 4 Old Trail Golf Course (SWM): **Postponed** to March Board

Page 11 No 5 Old Trail Golf Course (Variance): **Postponed** to March Board

Page 14 No 1 Hudson Lake Ranches (ERP): **Postponed** to February Board

Page 17 No 3 Town of Jupiter Recharge System Improvements (ERP): **Postponed** to February Board

Page 18 No 1 Ft. Pierce Utilities Authority (WU): **Postponed** to March Board

Page 18 No 2 Indrio Road Mine - Tract 3 Expansion Phase 2 (WU): **Postponed** to February Board

Page 18 No 3 Master Dewatering of Southern Grove (WU): **Postponed** to February Board

Page 19 No 2 U-Pick Farms - Geddes - Wells (WU Denial): **Removed** from agenda

Page 23 No 6 Peat Marsh Ranch (Consent Agreement) : **Removed** from Agenda

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Requests with Waiver of District Criteria

12. 2007-100 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cooperative agreement with the San Carlos Estates Water Control District for the Strike Lane Water Quality Wetland Project, in the amount of \$500,000, for which the District's total contribution of \$250,000 in dedicated funds (state appropriations) is budgeted; providing an effective date. (Contract Number 4600000599)(Liz Abbott, ext. 7730)

13. **2007-101** A Resolution of the Governing Board of the South Florida Water Management District delegating authority to the Director of the Natural Resource Management Division for the purpose of authorizing transfer of funds paid into 'mitigation bank standby trust fund agreement to demonstrate perpetual management financial assurance', between Southwest Florida Wetlands J.V. and the South Florida Water Management District, to the National Audubon Society, Inc. and its local state office, Florida Audubon; providing an effective date. (Anita Bain ext. 6866)
14. **2007-102** A Resolution of the Governing Board of the South Florida Water Management District authorizing \$499,674 in Fiscal Year 2006 State Water Protection and Sustainability Program Appropriations be certified forward and reallocated to Fiscal Year 2007 Project UEC-13 (Port St Lucie) and recertification of \$292,400 encumbered but unspent funds, subject to Governing Board approval; providing an effective date.

CERP

15. **2007-103** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; providing an effective date. (V. Rada, x6836)
16. **2007-104** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida containing 160 acres, more or less, within the boundaries of the Pennsuco Project, in Miami-Dade County, in the amount of \$864,000 and associated costs, for which dedicated funds (Lake Belt Mitigation Trust Fund) are budgeted, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (B. Katz, x6837)
17. **2007-105** A Resolution of the Governing Board of the South Florida Water Management District to retroactively approve the extension of a temporary pipeline easement containing 0.26 acre, more or less, for the Lake Trafford Critical Restoration Project, in Collier County, from December 1, 2006 for a period not to exceed twelve (12) months, in an amount not to exceed \$12,000, based on a purchase price of \$1,000 per month, and associated costs, for which dedicated capital project Big Cypress Funds are budgeted; providing an effective date. (T. Hanaway, x6668)

18. **2007-106** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of certain lands consisting of 262.13 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8 Project for which dedicated (Save Our Everglades Trust Fund) funds are budgeted and for which dedicated (Florida Forever Trust Fund) funds are available subject to a budget amendment; providing an effective date. (B. Schaeffer, x2985)
19. **2007-107** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 262.13 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP, and requesting the release of funds from Florida Forever Trust Fund for acquisition of such land interests; providing an effective date. (B. Schaeffer, x2985)
20. **2007-108** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 262.13 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP, and requesting the release of funds from Save Our Everglades Trust Fund for acquisition of such land interests; providing an effective date. (B. Schaeffer, x2985)
21. **2007-109** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 13.24 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade county, in the amount of \$863,000 and all associated costs for which ad valorem funds are budgeted; Approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (T. Hanaway, x6668).

Executive Office

22. **2007-110** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cost share agreement with the City of Port St. Lucie for the Kingsway Waterway Stormwater Quality Retrofit, in the total amount of \$500,000, of which the District's total contribution is \$250,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$250,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 4600000504)(K.LaMartina)

23. **2007-111** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year contract with St. Lucie County for the White City Canal D Stormwater Drainage & Water Quality Improvements, in the total amount of \$400,000, of which the District's total contribution is \$200,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$200,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 4600000519)(K.LaMartina x3603)
24. **2007-112** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Osceola County, for FY07 Osceola County Water Management in the total amount of \$500,000, of which the District's total contribution is \$250,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600000528) (Larry Pearson ext 3817)
25. **2007-113** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order cost share agreement with Orange County Utilities Department, for FY07 Orange County Utility Department Water Management in the total amount of \$1,784,000, of which the District's total contribution is \$892,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600000539) (Larry Pearson ext 3817)
26. **2007-114** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cost share agreement with Martin County for Manatee Creek Storm Water Quality Retrofit, in the total amount of \$2,000,000, of which the District's total contribution is \$1,000,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$1,000,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 4600000604)(K.LaMartina x3603)
27. **2007-115** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 365 day cooperative agreement with Collier County for the Gateway Triangle Stormwater Improvement Program Phase I, in the total amount of approximately \$4,500,000, of which the District's total contribution is \$800,000 in dedicated funds (Big Cypress Basin) budgeted in BCB Budget for FY07, providing an effective date. (Contract 4600000627)(Max Guerra, extension 7612)
28. **2007-116** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Polk County, for FY07 Polk County Water Management in the total amount of \$500,000, of which the District's total contribution is \$250,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600000619) (Larry Pearson ext 3817)

- 29. 2007-117** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the Treasure Coast Resource Conservation & Development Council for the Indiantown Citrus Growers Water Conservation Project in the total amount of \$650,000, of which the District's total contribution is \$295,200 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY07; and authorize a budget transfer in the amount of \$295,200 from Managerial Reserves to the Martin/St. Lucie Service Center, providing an effective date. (Contract Number 4600000620)(K. LaMartina x3603)
- 30. 2007-118** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 18 month cost share agreement with Martin County for the Old Palm City Ph III Storm Water Quality Retrofit, in the total amount of \$800,000, of which the District's total contribution is \$400,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$400,000 to the Martin/St. Lucie Service Center, providing an effective date. (Contract number 4600000602)(K.LaMartina x3603).
- 31. 2007-119** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Martin County for Tropical Farms/Roebuck Creek Storm Water Quality Retrofit, in the total amount of \$801,000, of which the District's total contribution is \$400,500 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$400,500 to the Martin/St. Lucie Service Center, providing an effective date.(Contract Number 4600000603)(K.LaMartina x3603)
- 32. 2007-120** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Martin County for the Bessey Creek Storm Water Quality Retrofit, in the total amount of \$1,200,000, of which the District's total contribution is \$600,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$600,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract Number 4600000607)(K.LaMartina x3603)
- 33. 2007-121** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6 month cost share agreement with Collier County for the Australian Pines Tree Removal Project, in the total amount of \$1,000,000, of which the District's total contribution is \$250,000 of dedicated funds (Big Cypress Basin) budgeted in BCB Budget for FY07, providing an effective date. (Contract Number 4600000608) (Andrew Potts, extension 7608)

34. **2007-122** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 18 month cost share agreement with Martin County for Leilani Heights/Warner Creek Basin Storm Water Quality Retrofit, in the total amount of \$1,650,000, of which the District's total contribution is \$825,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$825,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 4600000561)(K.LaMartina x3603)
35. **2007-123** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cost share agreement with the Town of Sewall's Point for the Mandalay-Marquerita Stormwater Quality Retrofit, in the total amount of \$530,000, of which the District's total contribution is \$265,000 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$265,000 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 4600000605)(K.LaMartina x3603)
37. **2007-125** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a six (6) month Agreement with Barron Water Control District, a public water control district, for the implementation of a Lake Okeechobee and Estuary Recovery alternative water storage project in an amount not to exceed \$200,000, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process; providing an effective date. (Contract Number 4600000630) (Benita Whalen, ext. 3014)
39. **2007-127** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$67,500.00, plus \$16,335.00 for attorneys fees and \$3,121.15 for expert fees and costs, for which Dedicated Funds (Florida Forever Trust Fund) are budgeted and ad valorem funds are available, subject to a Budget Amendment; for a condemnation action involving approximately 15 acres (Tract Nos. 003-674 and 003-676 Stella Marciano) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) project styled South Florida Water Management District v. Kennard w. Brown, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 01-8452-CA-JBR; providing an effective date. (Ed Artau, x6431)
40. **2007-128** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment for \$910,000.00 for land, and attorneys fees and costs in the amount of \$181,850.00, for a condemnation action involving approximately 9.387 acres, more or less, in fee simple (Tract No. W9-311-048 Millennium Properties, Inc.) within the designated boundaries of the East Coast Buffer/Broward Water Preserve Areas project styled South Florida Water Management District v. Millennium Properties, Inc. et al., filed in the 11th Circuit Court in and for Miami-Dade County, Florida, Case No.: 05-02495 CA 09, and approve a budget transfer of CERP ad valorem funds from Lake Okeechobee Watershed CERP Project to Broward County Water Preserve Areas CERP project, providing an effective date. (Keith Williams, x2791)

41. Enter a Final Order concurring with the Assistant Executive Director's emergency authorization for temporary prohibition of the use or possession of a saddle animal at Dupuis Management Area and Hickory Hammock Equestrian Center due to recent outbreak of equine herpes (Order No. 2006-192 DAO) and concurring with the Assistant Executive Director's rescission of the Order due to containment of the outbreak (Order No. 2007-002 DAO). (Holly Walter, x6272)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Corporate Resources

42. **2007-129** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District Budget as shown on the attachment hereto; providing an effective date

Project Sponsor: Doug Bergstrom, ext. 6214

43. **2007-130** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2006 - 2007 Budget; providing an effective date.

Project Sponsor: Doug Bergstrom, Ext. 6214

44. **Board Vote on Consent Agenda**

Ms. Carlson announced her abstention on Item 10, Page 1 of the Regulatory Consent Agenda.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 42, 43

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

Workshop Agenda

CERP

45. **Acceler8 Update** - Tommy Strowd, Assistant Deputy Executive Director, CERP, Paul E. Dumars, Sr., Chief Financial Officer

Tommy Strowd, Assistant Deputy Executive Director, presented an Acceler8 construction update. Mr. Strowd reported on the agreement with the Village of Wellington on the relocation of Pump Station 7. Mr. Strowd reported there is a draft MOU that details the issues in the agreement and also reported that discussions are going well.

Mr. Strowd provided an update on the STAs. Mr. Strowd reported on the contract quarterly allowance summary and the EAA Reservoir A1 Notice of Intent to Sue. Mr. Strowd presented an overview of Picayune Strand Restoration Project and the C-43 Reservoir.

Paul Dumars, Sr., Chief Financial Officer, provided an update on the financing needs for the projects. Mr. Dumars reported on the implementation of the SAP Human Resource module.

Ms. Wehle provided comment on the C-43 project and the St. Lucie and Caloosahatchee estuary water quality issues.

Mr. Wade provided comment on the EAA Reservoir, the STAs and prioritizing projects. Mr. Wade also provided comment on the PIR process.

Mr. Collins reported on the Everglades Oversight Committee and said he believes they will be reviewing a) the PIR process and b) the quality and quantity of the results that this process is producing for the ecosystem.

Mr. Lindahl provided comment on the EAA Reservoir and the Intent to Sue.

Ms. Wehle reported that the Senate will be hearing the Water Resource Development Act (WRDA) on February 15th.

Discussion Agenda

Water Resources

- 47.** Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapter 40E-63, F.A.C., Part IV Everglades Regulatory Program: C-139 Basin and Appendix B (Pam Sievers ext 6901 or Robert M. Brown ext 6283)

Pam Sievers, Director, Everglades Regulation, presented information on this agenda item. Ms. Sievers provided the current activities and the rule considerations.

Bob Brown, Department Director, Environmental Resource Regulation, presented information on the integrating requirements for surface water management and environmental resource permits. Mr. Brown reported on the incentive programs offered to landowners.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 47

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Abstained: Malcolm Wade. Motion passed.

- 52. 2007-132** A resolution of the Governing Board of the South Florida Water Management District relating to a proposed comprehensive plan amendment requested by City of Weston; objecting to the proposed amendment on the grounds that it is in conflict with the everglades restoration project for the c-11 impoundment project of the district; providing an effective date. (John Mulliken, ext. 6649)

Terrie Bates, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 52

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 53.** Extend the term of temporary Water Use Permit for Orange County Utilities (South Water Service Area) to meet the interim demands of the existing population while the renewal of permit 48-00134-W (application number 030319-12 is being finalized. The temporary permit will expire on January 12, 2007 unless renewed by the Governing Board. (Robert J. Moresi ext. 6603)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Harkley Thornton, seconded by Michael Collins to Approve the following item(s): 53

Vote called. Voting yes: Harkley Thornton, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 55. 2007-133** A Resolution of the Governing Board of the South Florida Water Management District accepting the Naples Bay Surface Water Improvement and Management (SWIM) Plan. (Carla Palmer, ext. 7790)

Carla Palmer, Division Director, Stormwater Management, presented information on this agenda item. Ms. Palmer reported on the requirements for the Service Water Improvement Management (SWIM) plan. Ms. Palmer provided information on the Naples Bay Watershed. Ms. Palmer reported on funding estimates for scheduled projects.

Public Comment: Dr. Jon Staiger, representing Big Cypress Basin Board, provided public comment and encouraged the passage of this resolution.

Public Comment: Jennifer Hecker, representing the Conservancy of Southwest Florida provided public comment on this agenda item. She supports this resolution.

Motion made by Alice Carlson, seconded by Michael Collins to Approve the following item(s): 55

Vote called. Voting yes: Alice Carlson, Michael Collins, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

CERP

- 56. 2007-134** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600000397 with Parsons Water and Infrastructure, Inc., for General Engineering Services for the Picayune Strand Acceler8 Project to extend the term by 3 years and 4 months, from August 5, 2007 to December 31, 2010, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$18,612,000 of which dedicated funds (Comprehensive Everglades Restoration Trust Fund) in the amount of \$3,243,232 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 3600000397-A05)

No presentation was provided.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 56

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 57. 2007-135** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600000413 with PB Americas, Inc., for General Engineering Services for the Site 1 Impoundment and C-11 Impoundment projects to extend the term by 3 years and 3 months, from August 25, 2007 to December 31, 2010, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$15,865,000, of which dedicated funds (Comprehensive Everglades Restoration Trust Fund) in the amount of \$4,605,011 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 3600000413-A05)

No presentation was provided.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 57

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

Executive Office

- 58. 2007-136** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the Orange County Environmental Protection Division for FY07 Orange County EPD Water Management in the total amount of \$2,050,000 of which the District's total contribution is \$1,025,000, of which ad valorem funds of \$225,000 and dedicated funds (State Appropriations) of \$800,000 are budgeted; providing an effective date. (Contract Number 4600000544) (Larry Pearson, Ext. 3817)

Ernie Barnett, Director, Office of Policy & Legislation, provided information on this agenda item.

Motion made by Harkley Thornton, seconded by Michael Collins to Approve the following item(s): 58

Vote called. Voting yes: Harkley Thornton, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 59. 2007-137** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the Fort Pierce Utility Authority for the Mainland Water Reclamation Facility, in the total amount of \$28,745,235, of which the District's total contribution is \$7,865,235 of dedicated funds (State Appropriations) budgeted in Managerial Reserves for FY2007; and authorize a budget transfer from Managerial Reserves in the amount of \$7,865,235 to the Martin/St. Lucie Service Center, providing an effective date.(Contract number 460000518)(K.LaMartina x3603)

Ernie Barnett, Director, Office of Policy & Legislation, provided information on this agenda item.

Motion made by Lennart Lindahl, seconded by Nicolás Gutiérrez to Approve the following item(s): 59

Vote called. Voting yes: Lennart Lindahl, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 60. 2007-138** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 365 day cooperative agreement with Collier County for the Lely Branch Canal Construction - Lely Area Stormwater Improvement Project (LASIP) Phase 1A, in the total amount of \$11,200,000 of which the District's total contribution is \$1,190,000 of dedicated funds (Big Cypress Basin) budgeted in BCB Budget for FY07, providing an effective date. (Contract 4600000625) (Max Guerra, extension 7612)

Ernie Barnett, Director, Office of Policy & Legislation, provided information on this agenda item.

Motion made by Alice Carlson, seconded by Michael Collins to Approve the following item(s): 60

Vote called. Voting yes: Alice Carlson, Michael Collins, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 61. 2007-139** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 365 day cooperative agreement with the City of Marco Island for the Septic Tank Replacement Program in the total amount of \$4,280,000, of which the District's total contribution is \$2,000,000 in dedicated funds (Big Cypress Basin) budgeted in BCB Budget for FY07, providing an effective date. (Contract 4600000628) (Max Guerra, extension 7612)

Ernie Barnett, Director, Office of Policy & Legislation, provided information on this agenda item.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 61

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 62. 2007-140** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 365 day cooperative agreement with the City of Naples for the Stormwater Management System Improvements in Basin III and Burning Tree Drive Project for a total amount of \$7,730,000, of which the District's total contribution is \$1,050,000 in dedicated funds (Big Cypress Basin) budgeted in BCB Budget for FY07, providing an effective date. (Contract No. 4600000626), (Max Guerra, extension 7612)

Ernie Barnett, Director, Office of Policy & Legislation, provided information on this agenda item.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 62

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 63. 2007-141** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a construction contract with Arbor Tree & Land, Inc. for North Fork of the New River Bank Stabilization, in the total amount of \$1,295,000 of which \$971,250 is budgeted under a revenue contract with National Resource Conservation Services, and \$323,750 is budgeted as ad valorem funds at the Broward Service Center, providing an effective date (Contract Number 4600000647) (Jose Lopez, extension 4980)

No presentation was provided.

Motion made by Miya Burt-Stewart, seconded by Nicolás Gutiérrez to Approve the following item(s): 63

Vote called. Voting yes: Miya Burt-Stewart, Nicolás Gutiérrez, Irela Bagué, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 38. 2007-126** A Resolution of the Governing Board of the South Florida Water Management District requesting the U.S. Army Corps of Engineers to continue to take into consideration availability of increased storage capacity as it adopts and implements a modified Lake Okeechobee Water Control Plan for the purpose of achieving a more refined balance between the competing needs of the Lake, Estuarine Ecosystems and the greater Everglades Ecosystem; flood control, recreation and water supply; and routinely operating the Lake at lower levels while addressing the multi-purpose objectives of the lake; providing an effective date. (Ernie Barnett X2110)

Ernie Barnett, Director, Office of Policy and Legislation, presented information on this agenda item. Mr. Barnett requested the Governing Board consider the efforts from the District and other, the alternative storage options other than Lake Okeechobee as the USACE develops the Lake Okeechobee Regulation Schedule.

Mr. Barnett introduced Mayor Carla Johnston, City of Sanibel.

Mayor Johnston had concerns regarding an emergency water storage plan. May Johnston reported on water releases into the estuaries and the USACE Regulation Schedule.

Larry, Carter, Assistant Deputy Executive Director, Operations & Maintenance, presented information on Alternative Water Storage Plan. Mr. Carter provided information on the goals and challenges regarding the Alternative Water Storage Plan. He reported on current and future storage capacity.

Mr. Barnett introduced Dennis Duke, USACE.

Mr. Duke said he is pleased with the resolution proposed today. He said this is a great example of partnership.

Public Comment: Carl Barraco, representing Barraco & Associates, provided public comment on this agenda item. He supports this resolution.

64. Public Comment

Public Comment: Dr. Robert E. Lee, City Manager, City of Naples provided public comment regarding Naples Bay and the specific projects the City of Naples is working on.

Public Hearing

Executive Office

65. There are no Public Hearing items.

Staff Reports

66. Water Conditions Report - Susan Sylvester

Susan Sylvester, Deputy Department Director, Operations Control, provided an overview of the District's water conditions. Upper Kissimmee had its driest year on record since 1915.

67. Water Shortage Update - Terrie Bates

Terrie Bates, Assistant Deputy Executive Director, provided a water shortage update. Ms. Bates weekly water allocations are calculated and posted on the District's website. There is ongoing coordination with the agriculture representatives. Ms. Bates reported on the media and outreach campaigns with local government utilities and Florida Nursery Association.

68. Lake Okeechobee Conditions Report - Susan Gray

Terrie Bates, Assistant Deputy Executive Director, provided the Lake Okeechobee Conditions Report.

69. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Director, Office of Policy & Legislation, said the legislature is very interested in Everglades restoration and is very supportive of Acceler8 projects.

Mr. Barnett reported on the Joint Everglades Oversight Committee which is meeting on January 22nd.

70. Calendar Update - Jacki McGorty

Jacki McGorty, District Clerk, provided an update of the District calendar.

Jacki McGorty announced there will be an Audit Committee meeting on 2/7/07 in Miami and a WRAC meeting on 2/8/07.

71. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, provided information on the NRDC letter. Ms. Wood said there was no closed-door session this month.

72. Executive Director's Report - Carol Wehle

Ms. Wehle provided information augmenting our existing ethics training. Ms. Wehle provided information on the Governor's initiative for "Plain Speak" which includes not using acronyms.

73. Board Comment

Mr. Lindahl spoke on the Alternative Water Supply Program.

Mr. Gutiérrez provided comment and said the Board is supportive of Office of Counsel staff for litigation matters that may arise.

Ms. Carlson thanked everyone for coming to Naples.

Ms. Bagué reported on the "making a global connection picnic" on Feb 10th. Everyone is invited.

Kevin McCarty thanked Ms. Carlson for hosting the meeting in Naples.

Closed Door Agenda

Executive Office

74. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

This item was postponed.

75. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

This item was postponed.

Adjournment

76. Adjourn

Chair McCarty adjourned the meeting at 12:11 pm.

Kevin McCarty, Chairman
South Florida Water Management District

Recorded by:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services